

REMARKS

Claims 1-19 currently remain in the application. Claims 2 and 3 are herein amended.

Regarding the matter of Paragraph 3 of the Official Letter, applicant hereby affirms that the joint inventors named in the present application were each under the obligation to assign every right regarding the base invention hereof to the assignee throughout the period of time relevant to this application.

Claims 1-19 were rejected under 35 U.S.C. 102 as anticipated by, or under 35 U.S.C. 103 as obvious over Shane. In Paragraph 11 of the Official Letter, the Examiner admitted that Shane does not teach a thermal conductivity of 350 W/(mK) which is presented as characterizing the present invention but stated that the issue is whether the method of making taught by this reference would produce an expanded graphite that possesses the desired properties claimed by applicant (lines 6-8 of Paragraph 11). Along this line, the Examiner suggested a presentation by applicant of any evidence such as experimental data which proves the method taught by this reference would not produce expanded-graphite with the desired properties claimed by applicant (lines 12-14). As the Examiner might imagine, applicant found it highly impractical to carry out such an experiment to gather evidential data as suggested by the Examiner. Applicant, therefore, argues instead as follows.

It is to be noted that Shane discloses 147 lbs/ft³ (or 2.35 mg/ms) as the theoretical maximum density (column 4, line 42) and 137 lbs/ft³ (or 2.19 mg/ms) as the maximum density of continuously produced graphite sheet (column 13, line 38) but only 150 B.t.u.-ft/hr.ft²·°F (or 259.6 W/(m·K)) as the thermal conductivity in surface direction (column 13, line 22). In other words, Shane discloses volume densities comparable to those disclosed in the instant application but only thermal conductivities that are at most about 2/3 of what is required according to the present invention. This seems to be clearly indicative of the inability by Shane's method of producing sheets having physical properties that are comparable to those being claimed in the present application. It is therefore believed that Shane cannot predicate the Examiner's rejection either on the ground of obviousness or on the ground of anticipation.

Claims 2 and 3 are herein amended to remove the limitation that the sheet according to

this invention should necessarily be obtained by heat treatment and by expanding graphite comprising natural graphite or kish graphite, keeping only the limitations regarding the thermal conductivity and the arithmetic mean surface roughness (for claim 2) or the difference between the highest and lowest values of local thermal conductivities (for claim 3).

In summary, it is believed that the present Amendment is totally responsive to the Office Action and hence that the application is now in condition for allowance.

It is requested that the Examiner issue at least an advisory action, if not a notice of allowance, in a seasonable manner in view of the mailing of the instant Amendment within two months of the mailing date of said Final Office Action.

Respectfully submitted,
Weaver Austin Villeneuve & Sampson LLP
/kn/

Keiichi Nishimura
Registration No. 29,093

December 30, 2009
500 12th Street, Suite 200
Oakland, California 94607
Telephone: (510) 663-1100
Telefax: (510) 663-0920